

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR No. 05-1849 JH

DANA JARVIS,

Defendant.

NOTICE OF NON-AVAILABILITY

Jody Neal-Post, co-counsel for Defendant Dana Jarvis, hereby gives notice of the non-availability of Richard Demarest, discovery coordinator on behalf of all defense counsel [Doc. No. 1368], due to pending major surgery. The surgery is scheduled for September 30, 2008, and will require a recovery period of 6-7 weeks.

Mr. Demarest's surgery is not elective. Upon physician examination in August 2008, it was determined that an immediate and total left knee arthroplasty would be necessary. Such has been scheduled at the earliest possible date, which is September 30, 2008.

Mr. Demarest will be largely out of work for the initial three weeks following surgery, but his office will be monitored for the needs of defense counsel as best as possible. From three to six weeks post-surgery Mr. Demarest will work as possible, but will be precluded from extended periods of immobile sitting such as would be necessary in court proceedings.

Presently there are no hearings scheduled that Mr. Demarest's non-availability will impact.

Respectfully submitted by:

Electronically Filed

/s/

September 10, 2008

By _____

Jody Neal-Post, Esq.

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I hereby certify that a true and correct copy of the foregoing pleading was delivered to opposing counsel via the CM/ECF system this 10th of September, 2008.

Electronically Filed

Jody Neal-Post